

7-063 2003 - Shahir Patrolli Human Rights

**Subject: ATTN: Mr Sukhdeep Singh/Kosovo**

**Date:** Mon, 08 Sep 2003 08:53:26 +0100

**From:** "ustiben.2" <ustiben.2@ntlworld.com>

**Organization:** BAH

**To:** [sukdeep@smlc.org.uk](mailto:sukdeep@smlc.org.uk),  
[Admin@smlc.org.uk](mailto:Admin@smlc.org.uk)

To: Mr. Sukhdeep Singh  
South Manchester Law Centre

Re: Shahir Patrolli / Kosovo

Dear Mr Singh,

Although I am aware that Shahir Patrolli's Appeal was to be heard on 28th July, I feel I must forward to you some key information which has now come to hand.

I very much hope that in the meanwhile Mr Patrolli has been allowed to remain in the UK, bearing in mind the recent statement by Mrs Beverly Hughes that removals to Kosovo have been suspended in light of the worsening security situation there.

In you letter of 26th June this year you asked: are there any Roma in Suhodoll,

Mitrovica? (That being the home village of Mr Patrolli)

The Home Office stated in their refusal of asylum on 28 February 2003:

"He (the Secretary of State) is aware that no one from the Roma ethnic group lived in Suhodoll. He considers that these facts must seriously undermine the overall veracity of your claim to come from Kosovo."

Statistical data on Romani communities in Kosovo from the 1991 Census of the Federal Republic of Yugoslavia show:

SUHODOLL (Suvi Do), Romani population 115 occupying 20 houses

Further, the researcher Paul Polansky says in his Appendix-X that post-1999 NATO intervention the Romani population was found to be reduced to 90 persons in 10 houses, as of summer 2001.

Should you require any more background reports on Romani or part-Romani clients from Kosovo, I will be able to draw on this more detailed data.

Yours sincerely  
Grattan Puxon

**Subject:** [RE: SHAHIR PATROLLI  
(Questions in Parliament)]



**Date:** Wed, 10 Dec 2003 17:30:52  
+0000

**From:** "ustiben.2" <ustiben.2@ntlworld.com>

**Organization:** BAH

**To:** [sukdeep@smlc.org.uk](mailto:sukdeep@smlc.org.uk),  
[Admin@smlc.org.uk](mailto:Admin@smlc.org.uk)

**CC:** [harveyn@parliament.uk](mailto:harveyn@parliament.uk)

attn: Mr Sukhdeep Singh  
re: SHAHIR PATROLLI (Kosovo)

Dear Mr Singh,

I have just been informed (see copy of email below) that Mr Nick Harvey MP has taken up the case of Shahir Patrolli and asked three questions concerning his position as an asylum-seeker in the UK.

Please will you be kind enough to update us, as soon as possible, on the status of Shahir Patrolli and his current position.

The salient point of Mr Harvey's intervention is that the Home Office claimed no Roma lived in the village of SUHODOLL, near

Mitrovica - while official Yugoslav statistics recorded some 100 Roma inhabited houses there.

Grattan Puxon

---

**Subject: From the Office of Nick Harvey MP**

**Date:** Wed, 10 Dec 2003 16:13:45 -0000

**From:** "FORSTER, Matilda" <FORSTERM@parlia

**To:** "ustiben.2@ntlworld.com" <ustiben.2@ntl

**CC:** "FORSTER, Matilda" <FORSTERM@parlia

I am writing to let you know that Mr Harvey has tabled three questions on Shahir Patroli's asylum refusal that you have informed him about.

Once the answers have arrived he will let you know what the Government has said.

Tilly Forster  
Office of Nick Harvey MP



# South Manchester Law Centre

584 Stockport Road, Longsight, Manchester M13 0RQ  
Telephone 0161 225 5111 Fax 0161 225 0210  
(Minicom only) 0161 224 9478 email: admin@smc.org.uk



Drop in service (no appointment needed) Monday, Wednesday and Friday 10 - 12.30 only  
Telephone Monday to Friday 10 - 1 & 2 - 4.30 except Thursday mornings when we are closed  
please quote our reference in all correspondence. If telephoning please ask for

Our ref:

Your ref:

Date:

SS/Patrolli

26 June 2003

Gratton Puxon  
1 John Harper Street  
Colchester  
Essex  
CO1 1RP

Dear Mr. Puxon,

**Re: Shahir Patrolli**

I enclose papers for the above named minor and would be grateful if you could provide a report for an appeal. The appeal is due to be heard on the 28<sup>th</sup> of July.

This was a case transferred to me from other reps. So I have very little information about Shahir's experiences in Kosovo. However the information that I need from you is fairly general. Specifically

1. are there any Roma in Suhodoll, Mitrovica. I can show that Suhodoll is in Mitrovica but haven't been able to find the existence of any Roma in the village
2. Are Roma's being persecuted in Kosovo now

Also I asked for a report on the case of Fatjon Halimi who is from the Presevo valley. I need to know whether people of mixed ethnicity are being persecuted there. I would be grateful if you could indicate this as a matter of urgency so that I can decide on whether to run the case. Please note that my email number is [sukhdeep@smc.org.uk](mailto:sukhdeep@smc.org.uk).

Yours sincerely,

  
Sukhdeep Singh



0161 284 1871

Staff: Paul Morris Helen Steyne Angela Jones Sukhdeep Singh Nadia Siddiqui Koleman Leung Ruhiya Yousuf Giles Elliott  
Sajida Ismail Joanna Thomas Christina Heneghan Dorothy Bailey Richard Bednarek Philip Cridge Martin Rathfelder

VAT no. 403 3286 85

Charity no. 1084530

Company no. 1930734



# Home Office

## Home Office Immigration and Nationality Directorate Appeal under Section 69(3) of the Immigration and Asylum Act 1999

Home Office Reference Number	P1063619
Port Reference Number	MAN/02/176
Appellate Authority Reference Number	
Appellant's Name	Shahir PATROLLI
Date Of Birth	16/04/86
Nationality	<i>Claims to be:</i> SERBIA, MONTENEGRO (KOSOVO)
Place of Detention	

### 1 Decision

On 28/02/03 a decision was made to refuse to grant asylum under paragraph 336 of HC 395 (as amended). Limited leave to enter was granted to 16/04/04.

### 2 Immigration History

A minor and an illegal entrant who was served with illegal entry papers and claimed asylum on 15/01/02. He held no ppt or other ID.

### 3 Documents

In accordance with rule 10(1) of the Immigration and Asylum Appeals (Procedure) Rules 2000, the following documents are annexed:

A. Self Completion Questionnaire.

Reasons for Refusal Letter dated 27/02/03.

The following notice(s) dated 24/2/03 are attached informing the appellant of the decisions against which they are appealing.

ICD. 1047

4      **Appeal**

The appellant gave notice of appeal on 6/3/03 against the above decision(s).

Other documents submitted in support of the appeal, as attached, are:

--

Signed:

*B Frier*

BFrier  
CMU AG12  
for the Secretary of State

Date: \_\_\_\_\_

ASYLUM APPLICATION

PORT REFERENCE:

MAN 1021176

HOME OFFICE REFERENCE:

ATTACH  
PHOTOGRAPH  
HERE

PART A: PERSONAL DETAILS OF APPLICANT

FAMILY NAME:

PATROLI

OTHER NAMES:

SHAMIR

ANY OTHER NAMES PREVIOUSLY USED:

SEX:

MALE

DATE OF BIRTH:

16.4.86

PLACE OF BIRTH:

KOSOVO.

CURRENT NATIONALITY:

Gipsy ROMA (ethnic YUGOSLAVIA).

ANY PREVIOUS NATIONALITY:

PRESENT ADDRESS:

7. CROSSWATER (Residential Unit)  
ROAD, OFFERTON STOKESLEY RD.

LAST ADDRESS IN COUNTRY OF ORIGIN:

VILLAGE SUKHO DOLL, MITROVICA  
KOSOVO YUGOSLAVIA

**PART B: PASSPORT DETAILS**

HAVE YOU EVER HELD A PASSPORT IN YOUR OWN NAME?:

YES/NO

IF YES, WHERE IS THE PASSPORT AND WAS IT USED TO ENTER THE UK?:

IF NO, WAS A PASSPORT OR OTHER DOCUMENT USED TO ENTER THE UK?:

NO

IF NOT YOUR OWN DOCUMENT USED THEN PLEASE GIVE THE FOLLOWING DETAILS:

1. TYPE OF DOCUMENT:

NONE

2. NAME IN DOCUMENT:

NONE

3. DATE OF BIRTH:

16.4.86

4. NATIONALITY

KOSOVAR

HOW WAS THE PASSPORT/DOCUMENT OBTAINED (FULL DETAILS)

N/A

**PART C: JOURNEY AND ENTRY DETAILS**

PLEASE STATE DATE AND PLACE OF ENTRY IN THE UK:

15.01.02

In Stockholm arrested (don't know place of entry) Helder

DID YOU SPEAK TO AN IMMIGRATION OFFICER:

YES/NO

in line

WHAT WAS THE PURPOSE OF YOUR JOURNEY TO THE UK?:

To Seek Asylum

AB

**PART C: CONTINUED**

WHY DID YOU NOT CLAIM ASYLUM IMMEDIATELY ON ARRIVAL IN THE UK?

*Have no chance to claim Asylum Hidden in lobby*

DID YOU TRAVEL THROUGH ANY OTHER COUNTRIES? (IF YES, PLEASE STATE EACH ONE)

*Don't know.*

HAVE YOU CLAIMED ASYLUM IN ANY OF THE COUNTRIES YOU TRAVELLED THROUGH?

*N.O*

**PART D: FAMILY DETAILS**

RELATIONSHIP	NAME	WHEREABOUTS	D.O.B.
MOTHER			
FATHER			
BROTHERS			
SISTERS			

FAMILY ADDRESS:



**PART E: BASIS OF CLAIM FOR ASYLUM**

AC

Please state fully why you are seeking Asylum, giving full details of the reasons. Use as many additional pages as you need. Only give details which you consider relevant to your application of:

- Your Religion MUSLIM
- Your ethnic origin GIPSY ROMA
- Political affiliations ETHNIC MINORITY persecuted by the majority
- Persecution or harassment which you or members of your family have suffered from a government or other organisation (stating which ones) and giving what you think were the reasons for harassment.
- Any periods which you or members of your family have spent in detention, giving place and dates if known.

If your claim is based on your political activities, you should supply details such as:

- The name of any political organisations with which you have been involved either in the UK or abroad
- When and how your first contact with them took place.
- The nature of your involvement with them, both in the UK and abroad.

You should enclose any evidence you have of your activities, such as membership cards, photographs, press articles etc. (these will be returned to you)

The Applicant is minor, belong to Ethnic minority of Gipsy Roma Group and he was persecuted by the Government Authorities of the Federal Republic of YUGOSLAVIA. Their homes were demolished. They were made prisoners, tortured and killed. I escaped living with different peoples and came from Kosovo. I got in lorry during the night and then changed the lorry. I don't know where I changed

AS

PART E: CONTINUED

The letter - It says Don't back to 10000  
any life will be in danger. My name is  
demonstrated I have no more to go

PART F: MISCELLANEOUS

AB

Name and address of solicitor or other representative if you have one.

BHATTI Solicitors. 534. Stockport  
Road Longsight MANCHESTER.

M-12 4JJ.

If it is necessary to interview you in connection with this application, will you require an interpreter, and if so, for which language?

YES KOSOVAN LANGUAGE

If there is anything else which you think is relevant to your application that you have not recorded elsewhere on this form, please give details on the sheet overleaf.

A1

*[Signature]*

**DECLARATION BY APPLICANT**

I confirm that I wish to apply for Asylum in the U.K. I understand the information I have given will be treated in confidence.

To the best of my knowledge all the answers I have given are truthful and complete. There is nothing further I wish to add in support of my application at this stage. I understand that I may submit additional material to the Asylum Directorate should further relevant information become available, before a decision is made on my application.

Signed (Applicant):

*[Signature]*

Date: 25.01.2002

Signed (Relative/Guardian/Independent adult):

*[Signature]*

Interpreter: VALTER GALICIA

28 URBAN ROAD

ALTRINCHAM contact No:

CHESHIRE

mobile: 07931 330 280

WA15 8JT



# Home Office

Immigration and Nationality Directorate  
Integrated Casework Directorate

Lunar House, 40 Wellesley Road, Croydon, CR9 2BY  
Telephone 0870 606 7766 Fax On Request

**SHAHIR PATROLI**

Our Ref P1063619

Date of Birth: 16/04/86

Your Ref

Nationality: **Claims to be SERBIA AND  
MONTENEGRO (KOSOVO)**

Date 27/02/03

Dear Mr Patrolli

## REASONS FOR REFUSAL

1. You have applied for asylum in the United Kingdom on the grounds that you have a well-founded fear of persecution in Serbia and Montenegro (Kosovo). In order to qualify for asylum under the terms of the 1951 United Nations Convention relating to the Status of Refugees, to which the United Kingdom is a signatory, an applicant must show that he has a well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinion.
2. As it was possible to obtain by written enquiries, or from other sources, sufficient information properly to determine your claim, the Secretary of State took the view that, in the light of paragraph 352 of HC 395 (as amended), it would not be appropriate to interview you about the substance of your claim.
3. The Secretary of State has considered your application but for the reasons given below has concluded that you do not qualify for asylum.
4. You said that you came from the village of Suhodoll, Mitrovica, Kosovo, and belonged to the minority Roma ethnic group. You were persecuted by the government authorities of the Federal Republic of Yugoslavia. They demolished houses, took prisoners and also tortured and killed. You said that you escaped with different people and came from Kosovo in a lorry. En route you changed onto another lorry. If you were sent back to Kosovo you said that your life would be in danger. Your home is demolished and you had nowhere to go.
5. You have failed to provide any evidence in support of your claim to come from Kosovo and the Secretary of State has reason to doubt this. Although you said that you lived in the village of Suhodoll in the municipality of Mitrovica, the Secretary of State is aware that Suhodoll is in the municipality of Lipjan. Furthermore you said that you belong to the minority Roma ethnic group and yet from information made available to the Secretary of State about the ethnic population of Kosovo, he is aware

that no one from the Roma ethnic group lived in Suhodoll. He considers that these facts must seriously undermine the overall veracity of your claim to come from Kosovo.

6. You further stated that your home was demolished by the government authorities of the Federal Republic of Kosovo but have failed to indicate when this allegedly occurred. Even if the Secretary of State accepted this to be true, he would point out that having no suitable accommodation or means of support are not Convention reasons for granting a person asylum. Furthermore, he is satisfied that the risk of persecution by the authorities of the Federal Republic of Yugoslavia has been removed with the establishment in Kosovo of an international peace-keeping force, KFOR. Indeed, the United Nations High Commissioner for Refugees has been organising the repatriation of refugees back to Kosovo since 28 June 1999 and as of 30 July 1999 some 800,000 ethnic Albanians, representing 90% of those who fled Kosovo in 1998 and 1999, had already voluntarily returned to Kosovo. Consequently the Secretary of State has concluded that your fear of persecution is not well-founded.
7. On a more general note, the Secretary of State acknowledges that in the aftermath of the Kosovo conflict in 1999, there were very high levels of violence, harassment and discrimination directed at members of non-Albanian ethnic groups. However, since that time the general situation in Kosovo has changed dramatically.
8. There was widespread devastation in Kosovo as a result of the war and a period of relative chaos as the population adjusted to the post-war order. UNMIK and KFOR took up the task of governing the province and gradually asserted control. Since then the housing and physical infrastructure of the province have been largely rebuilt and an effective system of administration put in place. The civil structures of local government, legislature, judiciary and police have all now been fully established. In 2001, elections were held for a Kosovo Assembly, to which many of the administrative powers were transferred from the United Nations Interim Mission in Kosovo (UNMIK).
9. There has been a general reduction in the level of violent crime in Kosovo since the period following the conflict. The security situation for ethnic minorities has improved considerably during this time and most crime is now considered by UNMIK to be economically motivated. UNHCR has attributed the drop in ethnically motivated crime to the growing effectiveness of the police and judicial system which has made people more willing to report crimes to authorities. It is likely that there has also been some easing of inter-ethnic tensions with the passage of time.
10. The improved security position is reflected in the murder statistics:

2000: 245 civilians killed: 146 Albanians, 55 Serbs, 12 Roma, 9 Bosniaks and 23 unknown or other ethnicity.

2001: 136 civilians were killed: 92 Albanians, 30 Serbs, 6 Roma, 1 Bosniak and 7 of unknown or "other" ethnicity.

2002: (Jan-June): 34 civilians killed: 32 Albanians, 1 Serb and 1 Bosniak.

[During the year 2000, 12 Roma were murdered; in 2001 the figure was 6; none have been killed in 2002]

One Bosniak was murdered in 2001 (compared to 9 in 2000) and one has been murdered in 2002 so far, though it is not clear whether the incident was ethnically motivated.

NO :  
ANA +  
skinner  
statement



\* [UNMIK police statistics show that there were no murders of Gorani during the year 2000, though the US State Department report for 2000 notes the murder of a 13 year old Gorani boy in November 2000. In 2001, there was a series of bomb attacks targeting Gorani property, but no fatalities. No Gorani have been killed in 2002.] [2][19f]

11. The Secretary of State is aware that ethnic minorities are guaranteed representation in the political process at both Assembly and Municipal level. He is also aware that there are policies in place which promote proportional community representation within the Kosovo Police Force, Judiciary, the Kosovo Protection Force and the Civil Service. He is further aware that various activities have been arranged during the past year in the fields of sport and culture to promote inter-ethnic tolerance and understanding – all of which have passed off peacefully.

12. The Secretary of State recognises that the positive indications and policies mentioned above do not mean that ill feeling towards ethnic minority groups has been eradicated; and he accepts that these groups continue to face difficulties. However, the Secretary of State considers that there has been a significant improvement in the situation for ethnic minorities. He notes that this is reflected in statements by both UNMIK and ethnic Albanian politicians that conditions are now right for the return of ethnic minority refugees to Kosovo.

13. In his report to the UN Security Council dated 17 July 2002, the Secretary General observed: "Over the past few months, a climate has been created that, for the first time since the arrival of UNMIK, appeared conducive to promoting inter-ethnic return." In June 2002, all municipal assemblies agreed to a Strategy of Joint Principles of affirming the right to return and in July 2002 the Kosovo Assembly adopted a resolution on the rights of communities and their members and on conditions for return of internally displaced persons and refugees. Accordingly, UNMIK and UNHCR have been seeking to encourage the voluntary return of ethnic minority refugees in planned initiatives. Approximately 1,800 ethnic minority returns to Kosovo took place in 2002 by October.

14. While the Secretary of State is aware that members of the Roma community in Kosovo are still victims of occasional violent incidents, he is satisfied that UNMIK/KFOR/KPS are generally able to provide a sufficiency of protection for these groups. Also, while he acknowledges that members of the Roma community may experience incidents of discrimination, harassment and limitations on freedom of movement, he does not consider that the cumulative effect of these will usually reach a level that would engage the United Kingdom's obligations under the 1951 UN Convention Relating to the Status of Refugees and its 1967 Protocol or the Human Rights Act.

15. In the Secretary of State's view, the overall situation for Roma in Kosovo has improved to the extent that membership of one these groups would not, of itself, qualify a person for the grant of asylum or exceptional leave to remain on Human Rights grounds. The Secretary of State believes that while in specific individual circumstances, the grant of asylum or exceptional leave to remain for a member of the Roma community might be appropriate, having carefully considered your application, he does not consider that any grant of leave on that basis should be made in this case.

16. In light of all the evidence available to him and for the reasons given above, the Secretary of State is not satisfied that you have established a well-founded fear of persecution. Your application is therefore refused under paragraph 336 of HC 395 (as amended) and has been recorded as determined on 27/02/03.

You are now required to state any reasons for staying in the United Kingdom which were not previously disclosed. Please read the enclosed **One-Stop Notice** carefully. The reasons must be stated on the **Statement of Additional Grounds** attached to the **Notice of Appeal** and these should be returned together (with a copy of the **Reasons for Refusal Letter** and the **Notice of Decision**) to the address given on the Notice of Appeal.

Yours sincerely



BFrier  
CMU AG12  
Integrated Casework Directorate  
Acting on behalf of the Secretary of State

Encs:



# Home Office

Home Office Reference P1063619

## Home Office Immigration and Nationality Directorate

### NOTICE OF DECISION

In compliance with the Immigration and Asylum Appeals (Notices) Regulations 2000 made under paragraph 1 of Schedule 4 to the Immigration and Asylum Act 1999

### NOTICE OF REFUSAL TO GRANT ASYLUM

(Paragraph 336 of HC 395 (as amended))

To: SHAHIR PATROLLI, claims to be Serbia and Montenegro (Kosovo), DOB 16/04/86

You have applied for asylum in the United Kingdom but your application has been refused for the reasons stated in the **Reasons for Refusal** letter attached.

It has been decided, however, that because of the particular circumstances of your case, you should be granted exceptional leave to remain in the United Kingdom.

The Secretary of State therefore grants you leave to remain until 16/04/04.

#### RIGHT OF APPEAL

You are entitled to appeal to an adjudicator against this decision under section 69(3) of the Immigration and Asylum Act 1999.

#### HOW TO APPEAL

If you wish to appeal you should complete the attached **Notice of Appeal** and return it to Home Office, P.O. Box 1275, CROYDON, CR9 1HL. You are advised to use a postal service which provides a record of posting or delivery and to keep any receipt you are given. You may also return the form by hand to the Public Caller Unit, Immigration and Nationality Directorate, Home Office, Lunar House, 40 Wellesley Road, Croydon, Surrey or fax to 020 8604 5860.

#### TIME LIMIT FOR APPEALING

The completed appeal form must be returned to arrive no later than **10 working days** after this notice is first received by either you or your representative. This notice is deemed to have been received on the second day after the day on which it was posted by first class post unless the contrary is proved.

Signed:

On behalf of the Secretary of State

Date:

ICD.1047  
05/2001



2MAPC  
06 MAR 2003

L-5/3/2003

Decision-Maker's Reference Number

P1063619

## 1 Appeal Notice

a Your surname/ family name:



PATROLLI

b Your other names:

SHAMIR

c Your address (where you can be contacted)

Forester Guest Key Hotel  
41-43 Wernake Road  
Stockport SK6 1HPd Telephone number:  
(where you can be contacted during the day)

e Your date of birth

16/4/86

f Your nationality or citizenship

FRY

g Have you ever made any other appeal about either asylum or immigration?

☒

No

☐

Yes (please tick a box)

h If you have said YES: when did you appeal?

i the case number: if you know it

j what did you appeal about?

ACID RECEIVED

NAME:

DATE:

NGT/RAU  
6/3/2003

## 2 Help with your appeal

a Do you have a representative to help you?

☐

No

☒

Yes

(please tick a box)

b If you have said YES, please give:

♦ the person's name

S. SINGH

♦ address

Sanku Manchate La Centre  
584, Stockport Road  
Longsight  
M13 0RA

♦ reference

SS/Patrolli

♦ telephone number

0161-225-5111

♦ fax number

0161-225-0210

You must let us know if:

a you change your address

b you change your representative

To do this, please use the last page of this form

For help with this part of the form please refer to your Guidance Notes

**3 The grounds on which  
you are appealing to an  
adjudicator**

- a** Please explain why you are appealing and why you think the decision was wrong.
- b** You need to tell us all of the grounds for your appeal. If you do not do this now, then you may not be allowed to mention any further grounds at a later time.

*[Note: you may use additional sheets of paper if you need to]*

The applicant is entitled to  
refugee status + the  
decision is in breach of  
ECHR



## 4 Declaration

YOU OR YOUR REPRESENTATIVE (IF YOU HAVE ONE) MUST SIGN BELOW

"I, the appellant, declare that the information I have given is true and complete to the best of my knowledge and belief"

Signed (appellant)

Print name in BLOCK LETTERS

Dated

"I, the representative, declare that the contents of the notice have been explained to, and agreed by, the appellant"

Signed (representative)

Print name in BLOCK LETTERS

Dated

## 5 The documents you are sending with this form

Please list **every** document you are sending with this form

**6 At the hearing of your appeal by an adjudicator**

a Do you want to attend the hearing?

☐

No

☒

Yes (please tick a box)

b If you are not attending the hearing, will your representative be attending?

☐

No

☐

Yes

c If you attend the hearing, will you need an interpreter?

☐

No

☒

Yes

d If you do need an interpreter, which language will you need?

(i) Language

Albanian

(ii) Dialect (if any)

e Do you use a wheelchair, or have a hearing difficulty, or have any other disability that you would like us to make arrangements for at the hearing?

☒

No

☐

Yes

f If you have said YES, please explain the nature of your disability and how we can help you.

**What to do next:**

Please keep a copy of this form for your own use and send or deliver the original to:

By post, using the enclosed self-adhesive address label, which is addressed to:  
Home Office, PO Box 1275, CROYDON, CR9 1HL

By fax to: 020 8604 5860

By hand to: Public Caller Unit, Immigration and Nationality Directorate, Block C, Whitgift Centre,  
Wellesley Road, Croydon, Surrey

Decision-Maker's Reference Number

P1063619

For the use of the  
Home Office,  
Immigration Officer or  
Custody Officer

- The appeal was received

Who received the appeal?

How was the appeal  
received?

At:

APC

On:

6/ Mar/03

At:

[am/pm]

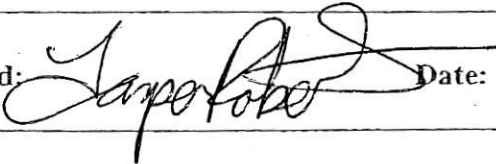
By hand

☐

By post (the envelope is attached to this form)

☒

Signed:



Date:

17/4/03

For the use of the Home  
Office Appeals Support  
Section

Is the appellant in  
detention?

No:

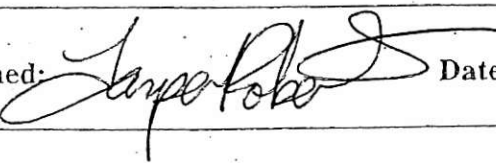
☒

Yes:

☐

The appellant is detained at:

Signed:



Date:

17/4/03

Grattan Puxon  
1 John Harper Street  
Colchester  
Essex C01 1RP

Tel: 01206 523 528

Email: [ustiben.2@ntlworld.com](mailto:ustiben.2@ntlworld.com)

21 July 2003

## TO WHOM IT MAY CONCERN

I have been requested by the South Manchester Law Centre to provide background information relating to an Appeal by Shahir Patrolli a client of the firm, and to comment where appropriate on sections of the refusal letter received from the Secretary of State dated 27 February 2003.

I have read the interview notes and am aware of my duty as an expert to assist those considering the Appeal to obtain as complete a picture as possible, within my capabilities, of the relevant circumstances in Kosovo.

In doing so I draw upon my own past visits to Kosovo and my involvement with Romani organizations in the province, as well as in Serbia, Montenegro and Macedonia. I am currently concerned with the problems of Kosovo Roma refugees in Macedonia and Serbia, as well as the UK.

While I have been an active participant in the political affairs of Roma for some 40 years, and am receiving a fee for preparing this report, neither of these factors have influenced what I have set out here. I am a journalist (now retired) by profession and am the co-author of **Destiny of Europe's Gypsies**, published by Chatto & Heinemann in 1972, available in eight languages and regarded as the standard work on the Nazi persecution of Roma. From 1971 to 1981 I was general-secretary of the World Romani Congress and International Romani Union. In 1984 I acted as a consultant with the US Department of Justice in the Artukovic case. My second language is Romanes and I speak Serbian.

### **10 Background information**

As the Home Office must be aware from its own sources, the situation in Kosovo regarding the security of the Roma (and Serbs) has deteriorated again in recent months. Heightened tension in the political arena, around a talk of a declaration of an independent Republic of Kosova, has been accompanied by the formation of the "new army" known as the Albanian National Army, as well as continued activity by armed groups in southern Serbia and Macedonia.

This new militia, I have been informed, is particularly active at present in western Kosovo, in the areas of Pec and Djakovica, but is expanding its operations. While KFOR patrols highways in the daytime, at dusk their vehicles commonly disappear from the roads and are replaced by ANA roadblocks.

The armed militiamen manning these roadblocks have been stopping vehicles and checking occupants, looking for "collaborators", for Serbs and for Roma. Those Roma caught at these roadblocks are being warned to leave Kosovo or be killed. The warnings have been re-enforced by visits to the homes of Roma in Djakovica, Obilic and elsewhere.

Many Roma now believe there is no future for them in Kosovo and hundreds are again packing up and leaving.

In recent months, attacks have again increased in south east Kosovo, on the border with Serbia and Macedonia. Two bombs exploded in the centre of Skopje in June.

Paramilitary groups are using bases in Kosovo for training and regrouping as they renew their campaign in the Presevo Valley and northern Macedonia. The Deputy Prime Minister of Serbia, Nebojsa Covic, said in a statement in Brussels on 27 February 2003 that the situation in the area of southern Serbia was returning to the state of lawlessness experienced two years ago.

He said that criminal and radical elements among the ethnic-Albanian population were once more trying to destabilise the region. Death-threats, explosions, landmines, violent attacks on police and citizens were on the increase. Two members of the security forces had recently been murdered and two others wounded. Mr Covic blamed this activity mostly on the new formation, the Albanian National Army.

This generalised statement is consistent with information which I have received from Roma political activists and others in Serbia, Macedonia and Kosovo.

It should be noted that Michael Steiner, the UN administrator of Kosovo has said as late as June this year that the province is not safe for returning Roma as he cannot guarantee their security. At the same time, the Serbian Government has said it cannot accept Roma refugees because it already has 700,000 internally displaced persons to deal with.

Relative to the return of Roma to Kosovo is the issue of the 700 Kosovo Roma refugees who have been encamped for the past two months on the Macedonian/Greek border at Medzitlija. A special conference has been called by the OSCE for 24 and 25 July in Skoplje to try to meet their needs.

## **11 Comments on Reasons for refusal**

- 1 In the circumstances now prevailing in Kosovo, it seems to me that Patrolli does have a well-founded fear of persecution for reasons of his race, namely that he is a Rom.
- 4 Clearly, Patrolli is referring to an earlier in 1998 when the JNA (Yugoslav National Army) and Serbian militia destroyed homes, took prisoners and tortured and killed people in the region. He was only 12 at this time. Now the danger to him arises not from the long-departed JNA but the new Albanian National Army and other armed groups bent on a final ethnic-cleansing of Kosovo before independence is declared.



- 5 Suhodoll is in the municipality of Lipjan, and not Mitrovica as Patrolli says in his original statement. I have not visited Suhodoll but I do know a Rom from Lipjan. That person's experience is indicative of the prevailing conditions. He was removed from the UK and returned to Pristina, last summer. On reaching his father's former home he discovered that the house had been completely trashed. Within hours of arrival, he was threatened by Albanian neighbours and fled again to Macedonia, from where he made his way back to the UK.
  - 6 The UNHCR has succeeded to a high degree in helping the return of ethnic Albanians to Kosovo. For Roma the repatriation programme has been a failure, as Steiner admits. The large Romani quarters in Pristina, Mitrovica and Pec, destroyed in and after the war, have not been re-built and only a small percentage of Roma have even attempted to come back. The former Romani *mahala* in Mitrovica, is now in the Albanian part of the city and Roma are unable to reclaim their property there.
  - 7 The Secretary of State takes the view that having your home demolished simply render the applicant a person "having no suitable accommodation". But this is surely overlooking the fact that the act of destruction is itself, especially when done by armed troops, is an act of terror almost certain to traumatise a young boy.
  - 8,9 While a large proportion of Albanian homes have been re-built, the small Romani communities still in Kosovo have been largely confined to a few "collective centres", poor camps away from their original homes. Their movements have been restricted and they have remained unemployed. The situation is somewhat better, however, in Gjlana and Urosevac, where some people have regained their homes. In general Roma do not believe the Kosovo Assembly is going to help them and few took part in the elections. The number of Roma recruited into the police can be counted on one hand.
- Unfortunately, as noted above, with the setting up of the Republic of Kosovo on the agenda of the new Albanian National Army, tensions are again high and Roma believe that there is no future for them in the province.
- The situation for Roma in Kosovo did begin to improve and a trickle of people began to return. But a reversal took place last summer around the time that a group of Roma tried to reclaim their homes in Gracanica, in eastern Kosovo. This village is – or was – the centre of an annual pilgrimage and was visited by thousands of Roma. When this group arrived, however, they were attacked by the present occupiers of their houses and had to give up the attempt. Grenades were found hanging in a tree close to the church which is the site of the pilgrimage each August 15.
- 10 The figures for the number of Roma murdered declined between 2000 and 2002. But the incidents of intimidation, according to recent reports, are unfortunately on the increase again. This intimidation is organised and deliberate, carried out by armed groups and aimed at the final ethnic-cleansing of the remaining Roma from Kosovo – and it is succeeding.



- 11 The Secretary of State says that minorities, including Roma, are guaranteed representation in the Assembly and at municipal level, and are supposed to be represented in the ranks of the Kosovo Police, Judiciary, the Kosovo Protection Force and Civil Service. In reality, with the former Romani minority in Kosovo reduced by 80% through ethnic-cleansing, representation is now only nominal at best (I know of no Roma in the Judiciary and upper Civil Service, and no more than a handful have been recruited into the police and Protection Force, which of course are dominated by ethnic Albanians).
- 12 The figure of 1,800 is given for the number of persons belonging to ethnic minorities returned to Kosovo in the first nine months of 2002. The number of Roma, to my knowledge, was less than 400 and some of them left again soon after. More are on the brink of leaving because of renewed pressure and threats. The UNHCR has since that time appealed to EU countries not to forcibly return Roma refugees to Kosovo because of the security situation.
- 14 The statement that UNMIK, KFOR and the KPS are generally able to provide a sufficiency of protection for Roma is contradicted by the words of Administrator Michael Steiner who says he cannot guaranteed the safety of Roma, and has in effect refused to sanction the suggested return of the 700 Kosovo Roma refugees now at Medzitlija in Macedonia (there are about a further 3,000 Kosovo Roma in and around Skoplje).

The Roma refugees have stated many times that they wish to return to Kosovo, if security can be provided and if their former properties can be returned to them and repaired or rebuilt, or compensation paid to them for their loss. They have also requested that those responsible for crimes against them (murder, rape, arson, theft) be brought to justice.

Lengthy negotiations with the UNHCR and Roma representatives have been held. Further talks are taking place at the conference in Skoplje on 24 and 25 July called by the OSCE. Roma are pressing their case on these issues but so far not one of these conditions has been met, nor even a promise of fulfilment solicited.

- 15, 16 This state of affairs is relevant, I believe, to the question as to whether Shahir Patrolli, still a minor, should be forced by the UK immigration authorities to return to Kosovo.